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| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT<br>ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)  |                                    | Docket Number (Optional) |
|---|------------------------------------|--------------------------|
| First Named Inventor: <u>SHIN-JEN SHIAO</u>   | Art Unit: <u>1614</u>              |                          |
| Application Number: <u>10/554,315</u>   | Examiner: <u>Thomas, Timothy P</u> |                          |
| Filed: <u>10/24/2005</u>  |                                    |                          |
| Title: <div style="border: 1px solid black; padding: 5px; min-height: 40px;">Composition comprising an edible acid or its acidic salt and the use thereof</div>   |                                    |                          |
| Attention: Office of Petitions<br>Mail Stop Petition<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450  |                                    |                          |
| NOTE: If information or assistance is needed in completing this form, please contact<br>Petitions Information at (571) 272-3282.  |                                    |                          |
| The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by<br>the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the<br>period set for reply in the Office notice or action plus any extensions of time actually obtained.  |                                    |                          |
| <b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b><br>NOTE: A grantable petition requires the following items:<br>(1) Petition fee.<br>(2) Reply and/or issue fee.<br>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed<br>before June 8, 1995, and for all design applications; and<br>(4) Adequate showing of the cause of unavoidable delay. |                                    |                          |
| 1. Petition fee   |                                    |                          |
| <input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.<br>See 37 CFR 1.27.  |                                    |                          |
| <input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(l)).   |                                    |                          |
| 2. Reply and/or fee   |                                    |                          |
| A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):  |                                    |                          |
| <input type="checkbox"/> has been filed previously on _____   |                                    |                          |
| <input type="checkbox"/> is enclosed herewith.  |                                    |                          |
| B The issue fee of \$ _____   |                                    |                          |
| <input type="checkbox"/> has been filed previously on _____   |                                    |                          |
| <input type="checkbox"/> is enclosed herewith.  |                                    |                          |

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
Signature

SHIN-JEN SHIAO

Typed or printed name

4F- 6, NO. 98 JIANZHONG ROAD, HSINCHU 30070, TAIWAN

Address

Address

August 10, 2010

Date

Registration Number, if applicable

886-3-571-3743

Telephone Number

Enclosure ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

August 10, 2010

Date

Signature

SHIN-JEN SHIAO

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

|   |   |
|---|---|
| <br>_____<br>Signature<br><b>SHIN-JEN SHIAO,</b><br>_____<br>Typed or printed name | August 10, 2010<br>_____<br>Date<br><br>_____<br>Registration Number, if applicable |
|---|---|

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

1). How I met Chauncey B. Johnson?

In March 24, 2005 there was a pay fee forum of one day course of intellectual property, in Hsinchu Taiwan, held by Asia Pacific Intellectual Property Association. A former examiner of USIPO Chauncey B. Johnson who was speaker. When I was one of attendants and at the end of course I offer my invention to him for the application of national entry in US by charge of US\$3000. The all needed documents were prepared by me.

2). In the other countries the attorneys of applications all gave me the filing number and the duplicates of application documents when they finished the application, but Mr. Chauncey never gave me any information until now. In the past 5 years, he only replied two times by e-mail after asking by many times of e-mails of my as shown in attachments.

Re: about filing patent application (Nov. 14, 2006)

Re: Action for amending (Aug. 30, 2007)

The US published PCT/CN2004/000402 was getting by the help of lawyer Miss Chian Ping. In which I found there were many mistakes in the filing description as stated in the e-mail of Re: Action for amending, I shown him the improper mistakes by e-mail and he replied "Please find another attorney.. I am very busy. Reply" on Aug. 30, 2007. Even though I known the work done by him was very poor and needed to be amended, I forgave him but not revoked the attorney and asking him to do the amendments for me, and sent him many necessary docs, as shown in my Fax dated on 2007/9/11. But he did not do any proper work and did not shown me any notice from USIPO, until I found the situation of the application was abandoned from the SAIR at this Spring. That is the main cause which caused the abandonment and the abandonment is unavoidable for me.

3). Now I understood that why he did not give me any docs of filing, because he was shameful for his work was so rough and poor that could not make a sense of work done by a normal attorney.

Attachment:

E-Mail corresponds by the petitioner and the attorney

(1). Re: about filing patent application (Nov. 14, 2006)

(2). Re: Action for amending (Aug. 30, 2007)

(3). Fax to Mr. Chauncey on 2007/9/11

(Please attach additional sheets if additional space is needed.)



1-(1)

## Re: about filing patent application

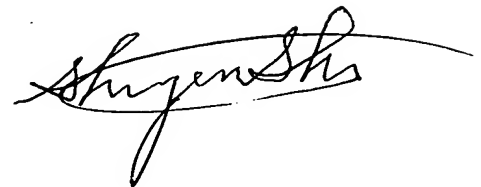
寄件者：  **chauncey.johnson@johnson-associatespc.com**

寄件日期：2006年11月14日 下午 09:55:43

收件者： shiao shin jen (sjshiao@msn.com)

Please send me your fax number and full address. Your case has entered the national stage. Please find another attorney to continue your prosecution. Everything is fine to date. Please send me your fax number.

- > Dear Chauncey:
- > More than one year has passed, I have not received any notice about my
- > application for US PATENT yet.
- > In other countries, all the attorneys had given me the duplicate and
- > filing number after filing work. Why did you not? Please give me the
- > reason.
- > I am looking forward to your answer.
- > Yours very truly,
- > Professor Shiao
- > Nov. 8, 2006





## Re: Action for amending

寄件者: chauncey.johnson@johnson-associatespc.com

寄件日期: 2007 年 8 月 30 日 上午 08:55:03

收件者: shiao shin jen (sjshiao@msn.com)

Please find another attorney. I am very very busy. Reply!

>

> Dear Chauncey:

> By the help of lawyer Miss Chiang Ping, I get the duplicate of patent specification of PCT/CN2004/000402 published in US. In reviewing the specification you filed, I find there are a few parts incorrect; such as claim numbers used in referring claims were not in correspondence with properly; two reaction equations were missed in content; items of table were not defined properly in changing into describing style; they must be amended now. That incorrectness might be caused by the shortness of time in hurry for the deadline of filing when you prepared the documents. May be it was the main reason that you would not give me the information about the contents filled.

> But I would thank you for your work on that you had changed some part of the specification in according with the original PCT. The alternation of [immune] terms into [allergy disease] in the specification for the primarily (say first amendment) examination of PCT and filed in US were wrong. It is the main causes that I attend to make another amendment now and anxiety to know the condition of filing work and the duplicate while you did not give me the correct answer since ever.

> I want to reinstate the specification back to the original one filed at PCT, and only making amendment in claims. Your specialty is biochemistry which is the reason why I ask you to be my attorney in application for US, because you have the keen view in details of the contents. This is a very significant invention but differ from the traditional ones. Even though, the edible acids are soled in ever where and can be obtained by people very easily, seeming that would not be any commercial benefit. These drugs are effectively for many diseases without side effects, before to become a drug using in hospital or doctor prescription drug they must be passed normal drug trial in administration of FDA. Without passing this step they would not be able to use as a drug at all. As you know the trial examination would spend a lot of time and money, > without the protection of patent there is no one would have willing to do the process of trial, and then could not become commercial drug of this invention. In that condition, the people must continue to suffer using the traditional drug with high price, single effect and high side effects for ever. Once present invention being patented and passed the trial examinations, the business system could be established and the benefits would be gained in the future. At that time I would give you bonus.

> After the consideration, I want to voluntary amend the specification completely and ask Mr. Johnson help me to perform it which also the chance to undo the mistaking which you had not able to perform reasonable perfectly in past.

> 1. Reinstating the specification to the original one filed at PCT, I mean that the amendment of the terms of [immune] into [allergy] in primarily examination of PCT would not be permitted in examination. I would also amend it in addition of [phosphoric acid, and other claims].

> 2. Even though, do not amend the terms of [immune] into [allergy] in specification, but we narrow the scopes of immune into allergy diseases in claims to avoid the arts disclosed by others. Because the term of [immune] is not only meaning broadly and uncertainly in special field but also concerns many disclosure arts. We reduce it into allergy disease that is not discovered up to date and can claim safely.

> 3. The amending reasons are described in the other document (1).

> (a). Adding inorganic acid, phosphoric acid, and in separated claim.

> (b). Claim numbers you used in claims are not according to the sequence of claims thereof, they must be renumbered.

> (c). Most of the amending documents I have prepared and you only to check them for mistaking and correcting them, and would not take you much time.

> (d). I submit following documents:

> (1). Amending reasons.

> (2). Original PCT specification, containing claims and abstract, wherein the original equations and tables are also parallelly kept in specification for your referring those might be removed before filing.

> 4. Please be sure give me the final duplicates for referring.

> In this action, how much cost is due please show me I shall send check to you.

> Tanks for your helping.

> Yours very truly,

> Shin-Jen Shiao



**Professor, Dr. Shin-Jen Shiao**

**工學博士 蕭興仁**

**4F-6, No.98, Jianzhong Road, Shinchu 30070, Taiwan**

**e-mail: sjshiao@msn.com**

**tel/fax: 886-3-5713743**

**Date: 2007/9/11**

**TO: 009-1-301-283-6791 Mr. Chauncey B. Johnson**

**From: 886-3-571-3743 Professor S. J. Shiao**

**Dear Chauncey:**

Please do not say "to find other attorney again. I do not agree that suggestion.

For your convenience I have arranged all document in a formal format by which you can prepare the document in less than one hour, including revise the all content, and send to the Patent Office.

(1). All you have to do is check the content, especially in the bracket whether they are correct or not.

(2). The original specification (being reinstated) is underlined the part of amendment as the separated document. That can be put into the section of "amendments of specification" of the format up to your decision.

You had made good impressions in the lectures in Taiwan. Not only lawyer Miss Chiang Ping, but also many the members of ASIPA are paying much attention to the development of this case. I hope that will be a good result and to show them your skill.

The voluntary amending has the time limit please to act soon.

Thanks

Yours very truly,

**Shin-Jen Shiao**



## Petition

Reconsideration of revive under 37 CFR 1.137(a)

Applicant: Shin-Jen Shaio

Application No. : 10/554,315

Filed Date: 10/24/2005

Group Art Unit: 1614

Attorney Docket

Examiner: THOMAS, TIMOTHY P

Confirmation No. :

To the Commissioner of Patents:

The applicant was notified in referring to the OFFICE OF PETITIONS concerning this application dated Jul 01 2010 which is being treated under the provisions of 37 CFR 1.181 (no fee) to withdraw the holding of abandonment.

And the request for reconsideration of this decision should be filed within two (2) months from the mail of this decision.

The applicant here submits the following documents:

- 1). Petition for revival of an application for patent abandoned unavoidably under 37 CFR 1.137(a).
- 2). Petition for Action to Office Action Summary.  
Including: (a). Amendment of claims; (b). Marking version of Description; (c). Clean version of Description.
- 3). Revocation of attorney.

The applicant wishes courteously that The Petitions Examiner would allow this application revival.

Yours faithfully,

Shin-Jen Shaio

Aug. 10, 2010

Attachments:

- 1). Petition for revival of an application for patent abandoned unavoidably under 37 CFR 1.137(a)
- 2). Petition and for the reply to the OFFICE ACTION SUMMARY
- 3). Document of Revocation of attorney.